



## **MAY 12 - 16, 2003 ST. PAUL, MINNESOTA**

**James B. Loken, Chief Judge - Minneapolis, MN**

### **Circuit Judges in Active Service**

**Theodore McMillian - St. Louis, MO  
Pasco M. Bowman - Kansas City, MO  
Roger L. Wollman - Sioux Falls, SD  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND  
William Jay Riley - Omaha, NE  
Michael J. Melloy - Cedar Rapids, IA  
Lavenski R. Smith - Little Rock, AR**

### **Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN  
Gerald W. Heaney - Duluth, MN  
Myron H. Bright - Fargo, ND  
Donald R. Ross - Omaha, NE  
Richard S. Arnold - Little Rock, AR  
John R. Gibson - Kansas City, MO  
George G. Fagg - Des Moines, IA  
Frank J. Magill - Fargo, ND  
C. Arlen Beam - Lincoln, NE  
David R. Hansen - Cedar Rapids, IA**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

***Court will be held in the Warren E. Burger Federal Building at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to the Clerk's Office, Room 500, 30 minutes before Court convenes.***

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans  
Clerk of Court

[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

**\*The following visiting judges are sitting with the Court in May:**

The Honorable Laurie Smith Camp  
U.S. District Judge  
Omaha, Nebraska

The Honorable Linda R. Reade  
U.S. District Judge  
Cedar Rapids, Iowa

The Honorable Joan N. Ericksen  
U.S. District Judge  
St. Paul, Minnesota

***Updated 05/09/03***

**DIVISION I**

**MONDAY, MAY 12, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, BRIGHT, MURPHY**

			<b>JAB</b>
	02-3124MN	United States v. Rogelio Preciado, etc.	<b>NO ARG</b>
	02-3431MN	United States v. Pablo Borges-Cano, etc.	<b>NO ARG</b>
1.	02-3533MN	United States v. Humberto Sanchez, etc.	15
2.	02-3585NI	Eileen M. Simonson v. Trinity Regional Health System, et al.	20
	02-2990SD	Charles Russell Rhines v. Douglas Weber, Warden, etc.	<b>REMOVED</b>
3.	02-2225ND	Gilbert Copper, et al. v. Kevin Nieman	15
4.	02-3056MN	United States v. Eduardo Pelayo-Ruelas	10

**TUESDAY, MAY 13, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, BRIGHT, MURPHY**

			<b>JMB</b>
1.	02-3814SD	United States v. Michael Len Orchard	
	02-3985SD	United States v. Michael Len Orchard	15
2.	02-2841MN	Richard P. Landers v. National Railroad Passenger Corporation, etc.	15
3.	02-3238NI	United States v. Kou Yang	15
	02-3352NI	United States v. Terry Lee Rains	<b>NO ARG</b>
4.	02-3380NI	United States v. Mingo Flores	10
	02-3831NI	United States v. Armando Aguilar-Lopez, etc.	<b>NO ARG</b>

**DIVISION I**

**WEDNESDAY, MAY 14, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, BRIGHT, \*SMITH CAMP**

**CYZ**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 02-2593MN | United States v. Phillip LeClair                             | 15            |
| 2. | 02-3447MN | Upsher-Smith Laboratories, Inc. v. Federal Insurance Company | 15            |
| 3. | 02-3601MN | Michael Slusarchuk, et al. v. Jon Hoff, etc., et al.         | 15            |
|    | 02-3584MN | United States v. Demon Echols                                | <b>NO ARG</b> |
| 4. | 02-3739SD | United States v. Freddie Gilbert Greger                      | 15            |
|    | 02-3971SD | United States v. Donroy Brings Plenty                        | <b>NO ARG</b> |

**THURSDAY, MAY 15, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES LOKEN, FAGG, MURPHY**

**JAB**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 02-1665MN | Sherbrooke Turf, Inc., etc., et al. v. Minnesota Department of Transportation, et al. |               |
|    | 02-3016NE | Gross Seed Company, etc. v. Nebraska Department of Roads, et al.                      | 30            |
| 2. | 02-3744MN | Professional Management Associates, Inc., etc. v. KPMG LLP                            | 20            |
| 3. | 02-3456SI | Consul General of the Republic of Indonesia, etc., v. Bill's Rentals, Inc., et al.    | 15            |
|    | 02-3283MN | Robert I. Greenberg v. City of St. Paul, et al.                                       | <b>NO ARG</b> |
|    | 02-3868MN | United States v. Adolfo Gutierrez-Maldonado   | <b>NO ARG</b> |

**DIVISION I**

**FRIDAY, MAY 16, 2003, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES LOKEN, FAGG, MURPHY**

**CYZ**

	02-3321MN	Mary Beth Kennedy v. Baxter Healthcare Corporation	
	02-3516MN	Mary Beth Kennedy v. Baxter Healthcare Corporation	<b>NO ARG</b>
1.	02-3128SD	Derek N. Popp v. Jo Anne B. Barnhart, etc.	15
	02-3553SI	Robert J. Krueger, et al. v. Johnson and Johnson Professional, Inc., et al.	<b>NO ARG</b>
2.	02-2629MN	James Robinson Poole v. Michael O'Keefe, etc.	15
3.	02-3364MN	United States v. Wayne Douglas Shevi	15

**DIVISION II**

**MONDAY, MAY 12, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES BOWMAN, HEANEY, BYE**

			<b>MAM</b>	
1.	02-2947SI	David Eckles v. City of Corydon, et al.		20
		In re: Fred H. Bame, etc.		
	02-3165	James E. Ramette, etc. v. United States	<b>DISMISSED</b>	
2.	03-1028MN	United States v. Fernando Nambo-Barajas		15
	02-3513SI	United States v. Randall Kirk Bell	<b>NO ARG</b>	
3.	02-3892SI	Lee Ann Krough v. Cessford Construction Company		15

**TUESDAY, MAY 13, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES BOWMAN, HEANEY, BYE**

			<b>MAM</b>	
	03-1111NI	United States v. Scott Ristine		<b>NO ARG</b>
	02-2726MN	HealthSouth Corporation, etc. v. Health Fitness Corporation, et al.	<b>REMOVED</b>	
1.	02-1897SI	United States v. Heriberto Gonzales, et al.		15
2.	02-4108SI	United States v. Billy Ray Rowland		15
3.	02-3907SI	United States v. Donald Michael Hutman		
	02-4019SI	United States v. Donald Michael Hutman		15
4.	02-3701SI	United States v. Marquette Scott Walterman		15

**DIVISION II**

**WEDNESDAY, MAY 14, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES BOWMAN, HEANEY, BYE**

**MAM**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 02-2242MN | Shireen A. Walsh, et al. v. National<br>Computer Systems, Inc., etc. | 15            |
| 2. | 02-3220MN | Brian Arthur Hill v. Patrick Scott, et al.                           | 15            |
|    | 02-3573MN | United States v. Arin Basurto Cabrera                                | <b>NO ARG</b> |
| 3. | 02-4119SI | Paul Anderson, Jr. v. Jo Anne B. Barnhart,<br>etc.                   | 15            |
| 4. | 02-3497SI | James Richmond v. Clinton County, Iowa                               | 10            |
|    | 02-3407SI | United States v. Hakan Demirbas                                      | <b>NO ARG</b> |

**THURSDAY, MAY 15, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES BOWMAN, BYE, \*ERICKSEN**

**MAM**

- |    |                        |   |               |
|----|------------------------|---|---------------|
| 1. | 02-3519SD<br>02-3520SD | Sybil Hernandez, etc. v. Brett Jarman, etc.<br>Sybil Hernandez, etc. v. Jeffrey D. Tarrell,<br>etc. | 15            |
| 2. | 02-2857SD              | Richard M. Jones v. Todd V. Swanson   | 15            |
| 3. | 02-3574SI              | Eddie Risdal v. John Mathes   | 15            |
|    | 02-3457SD              | United States v. David L. Chesborough   | <b>NO ARG</b> |
|    | 02-3931ND              | United States v. Charles Michael Ashley   | <b>NO ARG</b> |

**DIVISION II**

**FRIDAY, MAY 16, 2003, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES BOWMAN, BYE, \*ERICKSEN**

**MAM**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 02-2978SI | Leelynn J. Gorman v. Wells Manufacturing Corporation   | 15 |
| 2. | 02-3176SD | Darlene Fick, etc. v. Sioux Falls School District 49-5 | 15 |
| 3. | 02-3756SI | Townsend Industries, Inc. v. United States             | 15 |
| 4. | 02-3763SI | Mohammed Mirza, et al. v. Coast Business Credit        | 15 |
| 5. | 02-3941NI | United States v. Edward Lee Williams                   | 15 |



**DIVISION III**

**MONDAY, MAY 12, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, HANSEN, SMITH**

			<b>KAS</b>	
1.	01-3691MN	United States v. Roxanne Marie Abfalter		
	02-1130MN	United States v. Michael Travis Williams		20
2.	02-2586MN	Todd D. Schuler v. SuperValu, Inc., etc.		15
	02-2968MN	Joseph Thomas Barket, Jr. v. Nextira One, etc.		<b>NO ARG</b>
3.	02-3916NI	United States v. Timothy Yerkes		15
4.	02-3970MN	United States v. George Gutierrez		15

**TUESDAY, MAY 13, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, HANSEN, SMITH**

			<b>KAS</b>	
1.	02-2643NI	United States v. Ingmar Eloy Gillon		15
2.	02-1703SD	United States v. Derek John Archambault, etc.		15
3.	02-3817NI	United States v. Gabriel Aguilar-Portillo, etc.		
	02-4093NI	United States v. Gabriel Aguilar-Portillo, etc.		10
4.	02-3351NI	United States v. Minh Van Nguyen		15
5.	02-3461SD	United States v. Edmund Louis Long Turkey		15
	02-3930MN	United States v. Sebastian Rodriguez-Favela		<b>NO ARG</b>

**DIVISION III**

**WEDNESDAY, MAY 14, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, HANSEN, SMITH**

			<b>KAS</b>
1.	02-4118SI	Danny N. Depover v. Jo Anne B. Barnhart, etc.	15
2.	02-2905MN	United States v. James Lamont Chapman	15
	02-2250MN	Alonzo Williams v. United States	<b>NO ARG</b>
3.	02-3297MN	Ira Longen v. Waterous Company	15
4.	02-2863MN	Medtronic, Inc. v. U.S. Xpress, Inc.	10
5.	02-2988MN	United States v. Henry Fred Camacho, Jr.	15

**THURSDAY, MAY 15, 2003, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, HANSEN, \*READE**

			<b>KAS</b>
1.	02-1684MN	Group Health Plan, Inc., etc., et al. v. R.J. Reynolds Tobacco Company, et al.	
	02-1688MN	Medica, etc. v. R.J. Reynolds Tobacco Company, et al.	20
2.	02-2956	Richard J. Bot, et al. v. Commissioner of Internal Revenue	15
3.	02-3541MN	Robert A. Morgan v. UNUM Life Insurance Company of America	15
4.	03-1037ND	United States v. Arnaldo Losoya Mancias	15
	02-3906MN	United States v. Jesus Jimenez-Serrato	<b>NO ARG</b>

### **DIVISION III**

**FRIDAY, MAY 16, 2003, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES SMITH, HANSEN, \*READE**

**KAS**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 01-4008MN | Infinity Products, Inc. v. Premier Plastics, LLC, et al.                                |    |
|    | 02-1136MN | Infinity Products, Inc. v. Prodesign, Inc.  |    |
|    | 02-2971MN | Infinity Products, Inc. v. Prodesign, Inc.  | 15 |
| 2. | 02-2303MN | David L. Edgley v. National Liability & Fire Insurance Company, etc.                    | 15 |
| 3. | 02-2846MN | Edward A. Chambers, Jr. v. Metropolitan Property and Casualty Insurance Company, et al. | 15 |
|    | 02-3166MN | Laura Stanton, etc. v. St. Jude Medical, Inc., et al.                                   |    |
| 4. | 02-3325MN | Shirley R. Adzick v. UNUM Life Insurance Company of America                             | 15 |

**NO ARG**